

### **REMARKS**

Reexamination and reconsideration of this Application, withdrawal of the rejections, and formal notification of the allowability of all claims as now presented are earnestly solicited in light of the above claim amendments and remarks that follow.

Claim 1 has been amended to cancel subject matter wherein the protuberances or recesses are formed on the covering. Claims 1 has been further amended to incorporate partial subject matter from claims 2 and 3 and to recite that the protuberances or recesses are formed on a surface of the insert or a surface of the frame such that the insert directly interacts with the frame. Claims 2 and 3 have been amended to cancel subject matter incorporated into claim 1. Claim 4 has been canceled. New claim 27 has been added. Applicant submits no new matter has been introduced by these amendments. Support for the amendments can be found throughout the specification as filed, and particularly at pages 5-6. Claims 1-3 and 5-27 are pending.

#### **Anticipation Rejection**

Claims 1, 2, 5, 6, 8, 10-13, and 21-23 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 6,131,994 to Yates. Applicant respectfully traverses this rejection.

Present claim 1 recites a viscoelastic support structure comprising a frame, at least one resilient filler layer, a flexible covering, at least one gel insert interposed between the covering and the frame, and a plurality of protuberances or recesses on at least one of the insert and the frame. In particular, the insert comprises a bottom surface and the frame comprises a top surface, the two surfaces facing one another, and the protuberances or recesses are formed on either the insert bottom surface or the frame top surface such that the insert directly interacts with the frame.

The Examiner points to FIG. 3 of Yates in arguing that Yates discloses an insert (component 30 or 54) and protuberances (component 58) or recesses (component 34) provided on the insert (see the first paragraph of page 3 of the Office Action). In attempting

to characterize Yates using the language of the present claims, it appears the Examiner has mischaracterized the actual disclosure of Yates.

Yates discloses a bicycle saddle formed of a shell and a covering attached to the perimeter of the shell (column 2, lines 24-29). The Yates saddle further includes a flexible shoe (component 30) disposed between the shell and the covering, and this flexible shoe has a honeycomb structure with a plurality of cavities (component 34) formed therein (column 2, lines 56-57). The Yates saddle further includes a resilient member (component 54) disposed between the seat portion of the shell and the flexible shoe (column 2, lines 63-65), and the resilient member is formed with projections (column 3, lines 4-5). Importantly, Yates discloses that the cavities (34) of the flexible shoe (30) and the projections (58) of the resilient member (54) engage one another (column 3, lines 4-7). In other words, the projections engage the cavities, and the resilient member interacts with the flexible shoe. Accordingly, Yates does not disclose a structure wherein protuberances or recesses are formed on the bottom surface of an insert or on the top surface of a frame facilitating direct interaction between the insert and the frame.

Further, Applicant points out that claim 2 presently recites that the protuberances or recesses are provided on the bottom surface of the insert. The Examiner has pointed to nothing in Yates disclosing or suggesting protuberances or recesses on the bottom surface of the insert.

Further yet, Applicant respectfully submits the subject matter of claim 13 is particularly distinguished from Yates. Claim 13 recites that the insert extends from the frame to the flexible covering. Yates does not disclose a single insert extending from its shell to its covering. Rather, Yates teaches a construction formed of (from the top down) a covering (18), a flexible shoe (30), a resilient member (54), and a shell (12). This layering is required so that the cavities of the flexible shoe will align with and engage the projections of the resilient member.

In light of the above, Applicant respectfully submits Yates fails to disclose or suggest each and every aspect of the present claims. Accordingly, Applicant submits the rejected

claims are not anticipated by Yates, and Applicant respectfully requests reconsideration and withdrawal of the present rejection.

#### Obviousness Rejections

Claim 3 stands rejected under 35 U.S.C. §103(a) as allegedly being obvious over Yates in view of U.S. Patent No. 6,739,656 to Yu. Applicant respectfully traverses this rejection.

Applicant submits the Examiner has failed to show proper reasoning for combining Yates and Yu. Initially, Applicant submits the Examiner has failed to fully recognize the teaching of Yu as a whole. The Yu saddle is formed of a base, a middle foam layer, and a cover layer. The base is formed of a rigid main body (20) with two empty receiving spaces (24) in the seat portion. The main body (and particularly the receiving spaces) is covered with an elastic body (30). Underneath the elastic body are the support bars (26) alleged by the Examiner to be “protuberances”. These support bars only function to support the elastic body and prevent its breakage from the weight of a user.

The Examiner has provided no reasoning as to why a skilled person would try to combine the support bars of Yu with the saddle of Yates. The Examiner argues it would have been obvious to combine the support bars of Yu with the top surface of Yates “in order to prevent the break or detachment of the insert (resilient member)”. As pointed out, the support bars of Yu are only present to provide support in the empty receiving spaces. The Yates saddle has no empty receiving spaces. Rather, Yates provides a shell (12) that includes a horn (14) and a seat portion (16). Accordingly, the Yates shell is a solid structure providing complete support to the overlying structures. Because there are no empty receiving spaces in the Yates saddle, there is no concern of breakage with the Yates saddle, and a skilled person would thus see absolutely no reason to combine the support bars of Yu with the saddle of Yates.

Still further, Applicant submits the Examiner has failed to show any reasonable expectation of success in the alleged combination. Specifically, Applicant fails to see how the support bars of Yu would be combined with the saddle of Yates. As noted above, the Yates

saddle includes no empty receiving spaces wherein support bars could be included. A skilled person would recognize that providing the support bars under the shell of Yates would provide no functionality since the Yates shell is self-supporting, and Yates provides no teaching or suggestion that additional support is needed for the shell. Moreover, a skilled person would recognize that providing the support bars on top of the shell in Yates would also provide no functionality. For example, since there are no empty receiving spaces in the Yates shell, there is no frame portion in which the support bars could be suspended. The Yu supporting bars simply would provide no functionality in the Yates saddle.

The cavities and projections of Yates are provided for a specific purpose – to facilitate the engagement of the flexible shoe and resilient member. The supporting bars of Yu are also provided for a specific purpose – to support the elastic body. There is no relationship between the distinct purposes. Moreover, the supporting bars of Yu do not even contact the middle foam layer of the Yu saddle. Rather, they are fully covered by the elastic body, and, a skilled person would thus not consider it appropriate to combine the supporting bars of Yu into the Yates saddle in any manner that would cause the supporting bars to directly contact the flexible shoe or the resilient member.

In light of the above, Applicant submits the Examiner has improperly combined the cited references and has failed to provide any reasonable explanation as to why a skilled person would find any reason to combine the references in the suggested manner. Accordingly, Applicant submits claim 3 is not obvious over Yates or Yu, either alone or in combination, and Applicant requests reconsideration and withdrawal of the rejection.

Claim 4 stands rejected under 35 U.S.C. §103(a) as allegedly being obvious over Yates in view of U.S. Patent No. 4,451,083 to Marchello. Claim 4 has been canceled, and Applicant respectfully submits the present rejection is thus moot.

Claims 7 and 24 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over Yates. Claims 9 and 25 also stand rejected as allegedly being obvious over Yates. Applicant respectfully traverses this rejection. Applicant respectfully traverses this rejection.

As previously pointed out, Yates fails to disclose or suggest each and every aspect of present claim 1. As claims 7 and 24 and claims 9 and 25 each depend from claim 1,

Applicant submits Yates also fails to disclose or suggest each and every aspect of the presently rejected claims. Accordingly, Applicant requests reconsideration and withdrawal of the present rejections.

Claim 14-18 and 26 stands rejected under 35 U.S.C. §103(a) as allegedly being obvious over Yates in view of U.S. Patent No. 6,136,426 to Bigolin. Applicant respectfully traverses this rejection.

Each of claims 14-18 and 26 depend from present claim 1. As discussed above, claim 1 recites a viscoelastic support structure comprising a frame, at least one resilient filler layer, a flexible covering, at least one gel insert interposed between the covering and the frame, and a plurality of protuberances or recesses on at least one of the insert and the frame. In particular, the insert comprises a bottom surface and the frame comprises a top surface, the two surfaces facing one another, and the protuberances or recesses are formed on either the insert bottom surface or the frame top surface such that the insert directly interacts with the frame.

As previously pointed out, Yates fails to disclose or suggest a support structure wherein protuberances or recesses are formed on either the insert bottom surface or the frame top surface such that the insert directly interacts with the frame. Moreover, the Examiner as failed to point to anything in Bigolin that overcomes this deficiency.

Since neither Yates nor Bigolin, alone or in combination, disclose or suggest each and every aspect of claim 1, Applicant submits the references, alone or in combination, also fail to disclose or suggest each and every aspect of claims 14-18 and 26. Accordingly, Applicant submits the presently rejected claims are not obvious over the cited references, and Applicant respectfully requests reconsideration and withdrawal of the present rejection.

Claim 19 and 20 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over Yates in view of U.S. Patent No. 3,549,441 to Mesinger. Applicant respectfully traverses this rejection.

Applicant again points out that neither Yates nor Mesinger, alone or in combination, discloses or suggests each and every aspect of claim 1. Therefore, the cited references, alone or in combination, also fail to disclose or suggest each and every aspect of claims 19 and 20.

Accordingly, Applicant submits the presently rejected claims are not obvious over the cited references, and Applicant respectfully requests reconsideration and withdrawal of the present rejection.

Applicant respectfully submits that all claims, as now submitted, are in condition for immediate allowance. Accordingly, a Notice of Allowance is respectfully requested in due course. If any minor formalities need to be addressed, the Examiner is directed to contact the undersigned attorney by telephone to facilitate prosecution of this case.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR §1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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